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Plaintiff's request at ECF No. 11 is **GRANTED**. The deadline for Plaintiff to serve Defendant is **EXTENDED** up to and including **April 29, 2025**.

The Clerk of Court is respectfully directed to close ECF No. 11.

SO ORDERED. December 18, 2024


SARAH L. CAVE
United States Magistrate Judge

December 17, 2024

The Honorable Judge Alvin K. Hellerstein
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: 1:24-cv-07278-AKH-SLC; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant

Dear Judge Hellerstein,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On September 26, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 74.65.214.214 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

On October 15, 2024, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On October 16, 2024, the Court granted Plaintiff leave to serve a third-party subpoena. Plaintiff served Defendant's ISP with a third-party subpoena on or about October 23, 2024, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about February 28, 2025.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than December 25, 2024.

Because Plaintiff does not expect to receive the ISP response until February 28, 2025, and Defendant's identity is unknown to Plaintiff at this time, Plaintiff is unable to comply with the current deadline to effect service of process.

Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from February 28, 2025 (the date Plaintiff expects to receive the ISP response), and thus the deadline to effect service be extended to April 29, 2025. This extension should allow Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to April 29, 2025.

Respectfully Submitted,

By: /s/Jacqueline M. James
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